

REMARKS

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1, 2, 4-6, 14-16, 18-20, 28-30, 32-34, 42, 57, 58, 60-62 and 70 are pending in this application. Claims 1, 4, 6, 15, 18, 20, 29, 32, 34, 57, 60 and 62 are amended.

Claim Rejections under 35 U.S.C. § 112

Claims 4, 6, 18, 20, 32, 34, 60 and 62 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite by the use of the trademark "Blu-Ray Disc." Applicant respectfully traverses this rejection as detailed below.

While Applicant does not agree that claims 4, 6, 18, 20, 32, 34, 60 and 62 are indefinite, to forward prosecution Applicant has removed the term "Blu-Ray Disc" from those claims. Therefore, Applicant respectfully requests that the claims rejections under 35 U.S.C. § 112 for claims 4, 6, 18, 20, 32, 34, 60 and 62 be removed.

Claim Rejections under 35 U.S.C. § 102

Claims 1, 2, 4-6, 15, 16, 18-20, 29, 30, 32-34, 57, 58, and 60-62 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Publication Number 2003/0007432 to Minamino et al. ("Minamino"). Applicant respectfully traverses this rejection.

A claim is anticipated only if each and every element as forth in the claim is found, either expressly or inherently described, in a single prior art reference. See MPEP Sec. 2131; *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2D 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir.1987).

Applicant respectfully asserts that the Minamino reference does not teach or suggest all of the claim limitations of amended claim 1. For example, amended claim 1 recites a computer-readable recording medium including, among other things, "wherein one of the bit 0 and the bit 1 is represented by the transition at the start of low and in the middle of high and another one is represented by the transition in the opposite direction within the predetermined period"

The Minamino reference does not describe such a recording medium. For example, as shown in FIGS. 37A- 37E and described in the specification, two displacements (an inner-

periphery oriented displacement and an outer-periphery oriented displacement) occur within one period. This allows the wobbles to be connected at the same position (with respect to the inner or outer periphery) when each period starts.

In contrast, the combination of claim 1 sets forth one of the bit 0 and the bit 1 represented by the transition at the start of low and in the middle of high and another one is represented by the transition in the opposite direction within the predetermined period. Therefore, only one displacement (transition) occurs within one period rather than two as in Minamino. Therefore, the combination set forth in claim 1 is simpler and patentably distinct from that set forth in Minamino.

For at least this reason, Applicant respectfully requests that the rejection under 35 U.S.C. § 102(b) of claim 1 and its dependent claims as being unpatentable over the Minamino be removed.

Applicant respectfully asserts that independent claims 15, 29, and 57 recite similar language as that discussed above with respect to claim 1, and are therefore patentable at least for similar reasons discussed above with respect to claim 1. Therefore, Applicant respectfully request that rejections under 35 U.S.C. § 102(b) of independent claim 15 and its dependent claims, independent claim 29 and its dependent claims, and independent claim 57 and its dependent claims be removed.

Claim Rejections under 35 U.S.C. § 103

Claims 14, 28, 42, and 70 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Minamino in view of U.S. Publication Number 2002/0089920 to Gotoh et al. ("Gotoh"). Applicant respectfully traverses this rejection.

Applicant respectfully asserts that claims 14, 28, 42, and 70 are dependent claims that depend from independent claims that are allowable over the Minamino reference for the reasons set forth above. Therefore, claims 14, 28, 42, and 70 are patentable at least by reason of their dependency. Applicant, therefore, respectfully requests that the rejections of claims 14, 28, 42, and 70 under 35 U.S.C. 103(a) as being unpatentable over Minamino in view of Gotoh be removed.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of the pending claims of this application is earnestly solicited.

Pursuant to 37 CFR §§ 1.17 and 1.136(a), Applicants petition for a one (1) month extension of time for filing a reply to the November 15, 2007 Office Action, and submit the required \$120.00 extension fee herewith.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Terry L. Clark at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By



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